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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

JIMMY D. CLARK

VS.

JOE D. DRIVER

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C.A. NO. C-05-262

**ORDER DENYING PETITIONER'S  
MOTION TO PROCEED *IN FORMA PAUPERIS***

On May 25, 2001, federal prisoner Jimmy D. Clark filed his petition for habeas corpus relief pursuant to 28 U.S.C. § 2241, and sought leave to proceed *in forma pauperis* ("i.f.p.") (D.E. 3). According to his i.f.p. application, petitioner last worked in September, 1994, and he does not have a prison job. He does not have any monies in a savings or checking account, and claims he has not received any money from any outside sources. However, according to his inmate trust fund account statement, he currently has \$72.82 in his inmate trust account, and his average balance for the last six months was \$352.34. The filing fee for a habeas corpus petition is \$5.00.

Petitioner's i.f.p. application reveals that he is not indigent. Accordingly, petitioner's application to proceed i.f.p. (D.E. 3) is denied. Petitioner is instructed to pay the \$5.00 filing fee within thirty (30) days of the date of entry of this order. Petitioner is advised that failure to pay the fee within the time period proscribed may result in dismissal of his petition for failure to prosecute.

ORDERED this 1<sup>st</sup> day of June, 2005.

  
B. JANICE ELLINGTON  
UNITED STATES MAGISTRATE JUDGE